

SCANNED

DATE: 08/04/04

BY: SKY UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT

2004 AUG -3 P 1:18

WILLIAM FREEMAN,
Plaintiff

v.

TREMONT HEALTH SERVICES, INC.
and **ANDREW MITCHELL**
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS

Civil Action No.
04-10075-NG

MOTION FOR DEFAULT JUDGMENT

Now comes the plaintiff William Freeman and moves this Court for Default Judgment pursuant to Rule 55, F.R.Cv.P. As grounds for his motion plaintiff respectfully shows as follows:

1. This case arises out of a breach of certain provisions of an employment agreement. A prior case entitled Freeman v. Tremont Medical, Inc., No. 02-10757-RGS (D. Mass.) was settled with an Agreement for ongoing payments to the plaintiff.
2. Defendant Tremont Health Services, Inc. was party to the Settlement Agreement and successor to Tremont Medical, Inc. The Settlement Agreement was attached to the Complaint in this case as Ex. C.
3. The action against Defendant Mitchell has been dismissed.
4. Defendant defaulted on the obligations contained in the Settlement Agreement.

5. The terms of the Settlement Agreement provided for notice of default, an opportunity for cure and plaintiff's right to recommence the Lawsuit.
6. Tremont failed, after notice of default, to cure.
7. Plaintiff commenced this action.
8. Tremont was served on January 25, 2004.
9. Tremont's default was noticed on May 18, 2004.
10. Tremont remains justly and truly indebted to plaintiff for the balance of the amounts due under the employment agreement (i.e., original amount \$185,716.41 less payments of \$41,000.00), \$141,716.41.
11. The motion for default judgment is supported by the Affidavit of William Freeman submitted herewith.

WHEREFORE plaintiff William Freeman respectfully requests the court's judgment in accordance with the form submitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Kelly", written over a horizontal line.

Paul F. Kelly, Esq.
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Dated: July 20, 2004